

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SPRINT SPECTRUM L.P., SPRINTCOM,
INC., and SPRINT/UNITED MANAGEMENT
COMPANY,

Plaintiffs,

vs.

AT&T INC.,

Defendant.

Case No. 19 Civ. 1215 (VSB)

**~~PROPOSED~~ AMENDED ORDER TO
SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT BE GRANTED**

Following the parties' appearance at a February 8, 2019 hearing before the Court, on application by plaintiffs Sprint Spectrum L.P., SprintCom, Inc., and Sprint/United Management Company (collectively, "Sprint"), and with good cause appearing therefor, it is:

ORDERED, that defendant AT&T Inc. ("AT&T") show cause before this Court, in Courtroom 518 before the Honorable Vernon S. Broderick, United States District Judge for the Southern District of New York, in the Courthouse located at 40 Foley Square, in the City, County and State of New York, on the ^{22nd} ~~18th~~ day of ^{April} ~~March~~, 2019, at ^{10:30 a.m.} ~~9:30 a.m.~~ why the Court should not make and enter an Order, pursuant to Rule 65 of the Federal Rules of Civil Procedure, preliminarily enjoining and restraining AT&T, its respective affiliates, subsidiaries, divisions, agents, servants, officers, directors, employees, and all those acting under their control and/or on their behalf and/or in concert with them, during the pendency of this action:

- (1) from using the designation "5GE," "5G E," or "5G Evolution," or any designation containing "5G," in any and all advertisements in the United States, in any form whatsoever, for its wireless network and mobile devices, including on the screens

of mobile devices connected to its wireless network, unless and until the wireless network that AT&T advertises as “5GE,” “5G E,” or “5G Evolution,” or any designation containing “5G,” complies with 3GPP 5G standards; and

(2) granting such other and further relief as the Court may deem just and proper; on the grounds that:

- a) AT&T has violated Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a);
and
- b) AT&T has engaged in deceptive acts and practices and false advertising under Sections 349 and 350 of the New York General Business Law.

ORDERED that AT&T shall preserve, and take steps to prevent the automatic or intentional deletion or modification of, all databases, cloud storage accounts including Dropbox, electronic files, emails, and media and computer hard drives that may contain information related to this action;

~~ORDERED that:~~

- ~~(1) Sprint’s Opening papers, including its Memorandum of Law in Support of its Motion for Preliminary Injunction, and any supporting declarations and/or exhibits, be filed with this Court and served promptly following the issuance of this Order;~~
- ~~(2) AT&T’s Answering papers, including its Memorandum of Law in Opposition to Sprint’s Motion for Preliminary Injunction, and any supporting declarations and/or exhibits, be filed with this Court and served by March 11, 2019;~~
- ~~(3) Sprint’s Reply papers, if any, shall be filed with this Court and served by March 15, 2019;~~

~~ORDERED that the parties may conduct expedited discovery limited to the issues directly relevant to the motion for preliminary injunction, in accordance with the following schedule (which can be modified by agreement of the parties):~~

- ~~a. Sprint shall identify all fact and expert witnesses who will provide testimony via affidavit in support of its Motion for Preliminary Injunction by February 19, 2019.~~
- ~~b. Written discovery requests shall be served by February 19, 2019.~~
- ~~c. Responses and objections to written discovery requests shall be served by February 22, 2019.~~
- ~~d. AT&T shall identify all fact and expert witnesses who will provide testimony via affidavit in support of its Opposition to Sprint's Motion for Preliminary Injunction by February 22, 2019 and shall provide the expert disclosures and reports required by Federal Rule of Civil Procedure 26(a) by March 4, 2019.~~
- ~~e. Responsive documents shall be produced by March 1, 2019.~~
- ~~f. Depositions of fact witnesses shall be completed by March 8, 2019. Each side is limited to taking the depositions of the affiants disclosed by the other side. All depositions (including of expert witnesses) shall be limited to a maximum of four (4) hours each.~~
- ~~g. Depositions of expert witnesses shall be completed by March 13, 2019.~~
- ~~h. The parties are also encouraged to stipulate to undisputed facts in order to streamline discovery and the preliminary injunction hearing.~~

DATED: February 14, 2019
New York, New York

SO ORDERED:



**HON. VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE**